

## **Summary of Public Comments and MassDEP Responses**

### **MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

#### **BUREAU OF WASTE PREVENTION**

##### **NORTHEAST REGIONAL OFFICE**

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Pursuant to Chapter 21, Section 43 of the Massachusetts General Laws, and 314 CMR 7.00 and 2.09, response to public comments is given for the following application for a sewer connection permit:

**PROJECT NAME:** BWP IW38: PERMIT FOR INDUSTRIAL SEWER USER IN IPP POTW  
DISCHARGING MORE THAN 50,000 GPD

**FACILITY NAME:** Baker Commodities, Inc.

**FACILITY LOCATION:** 134 Billerica Avenue, North Billerica, MA 01862

**PURPOSE:** Sewer Connection Permit

**TRANSMITTAL NO.:** W165341

**PUBLIC COMMENT END DATE:** January 21, 2008

#### **SUMMARY OF PUBLIC COMMENTS AND MassDEP's RESPONSES:**

MassDEP has received 12 comments from the public during the public comment period (from December 21, 2007 to January 21, 2008) regarding the MassDEP draft sewer connection permit (BWPIW 38) for Baker Commodities, Inc. The following is a summary of the public comments and MassDEP's responses:

1. **Public Comment:** Complaints about odor from the facility.

**Response:** A check of MassDEP's Northeast Regional Office complaint records indicates that MassDEP has not received any complaints related to odor issues at Baker Commodities, Inc. in the past four years up to the date of issuance of this draft sewer connection permit. If residents detect odors that are emanating from the Baker Commodities, Inc. processes, the residents should file an official complaint with the local Board of Health and MassDEP's Bureau of Waste Prevention at the Northeast Regional Office. The subject sewer connection is related to the Baker Commodities, Inc. wastewater pretreatment system and there has never been any recorded odor problem from the subject system.

2. **Public Comment:** Concern about (1) air emissions, (2) industrial wastewater, (3) noise, (4) negative visual sights, and (5) increased traffic from the proposed power plant (Billerica Energy Center) to be located on the same property with Baker Commodities, Inc.

**Response:** While the proposed power plant (Billerica Energy Center) will be located on the same property with Baker Commodities, Inc, it is not covered by the sewer connection permit issued to Baker Commodities, Inc. More specifically, these concerns are addressed as follows:

- (1) Air emissions issues related to the Billerica Energy Center are being reviewed and are subject to public discussion via the ongoing Massachusetts Environmental Policy Act (MEPA) process. Subsequent to completion of the MEPA review process, air emissions will be regulated via MassDEP's review of the proponent's non-major Air Quality Comprehensive Plan Application, and, if merited, the issuance of a written Air Quality Plan Approval pursuant to Regulation 310 CMR 7.02.
  - (2) Any industrial wastewater discharge related to Billerica Energy Center will be addressed separately.
  - (3) As part of the Air Quality Plan Application and review process, a review of all noise generating equipment and how the proponent proposes to control noise therefrom will be undertaken. Should the project go forward, all noise control requirements would be contained in the written MassDEP Air Quality Plan Approval issued to the project proponent.
  - (4) Negative visual sight issues related to the Billerica Energy Center are not germane to the issuance of the subject sewer connection permit.
  - (5) Increased traffic related issues from the Billerica Energy Center are not germane to the issuance of the subject sewer connection permit.
3. **Public Comment:** Concern about the capacity of the Billerica POTW, where Baker Commodities, Inc. discharges, and statements that the POTW currently violates its NPDES permit.
- Response:** The NPDES flow limitation for the Billerica WWTP/POTW is 4.5 million gallons per day (MGD), as its running annual average. Presently, their running annual average is 3.56 MGD, so the WWTP is operating in compliance with their flow limit. The commenters state that the WWTP is not in compliance with its NPDES permit. There have been infrequent violations of the WWTP's pH requirements, and consistent violations of its newly established limits for phosphorus and aluminum. However, the current NPDES permit for the WWTP includes a schedule for the Town to achieve compliance with its phosphorus and aluminum limits. The Town is now proceeding with a \$9 million treatment plant upgrade to address the phosphorus and aluminum violations. Pilot testing of the chosen technology has demonstrated that the WWTP should return to compliance following the upgrade. The WWTP's compliance with the phosphorus and aluminum limits will not be affected by the existing wastewater discharge from Baker Commodities, Inc.
4. **Public Comment:** Concern about water quality in the Concord River because the Concord River is on the list of officially impaired water bodies requiring total maximum daily load (TMDL) assessments (the list is also called the 303d list); the Concord River is also identified as a US Navigable River. Consequently, the Concord River is federally protected under the Clean Water Act.

**Response:** There is a draft TMDL for pathogens on the MassDEP website for the Concord River watershed. By achieving compliance with their NPDES permit limit for bacteria, the Billerica WWTP is operating effectively to meet their waste load allocation for pathogens. The 303d list of impaired waters noted that the segment of the Concord River that receives flow from the Billerica WWTP requires TMDLs for metals and nutrients. The aforementioned treatment plant upgrades to meet dramatically lower phosphorus and aluminum limits are consistent with actions being taken throughout the Sudbury/Assabet/Concord River watersheds to establish a comprehensive program to reduce these pollutants.

5. **Public Comment:** The Facility's Industrial Wastewater Pretreatment System (IWPS) plan has not been reviewed by a Massachusetts Professional Engineer (Mass PE).

**Response:** The facility acknowledged this deficiency when they filed their application. They notified MassDEP that they were working on this deficiency, and that a Mass PE stamped IWPS plan would be submitted to MassDEP as soon as possible. MassDEP received the Mass PE stamped plan on 1-8-2008; the name of the Mass PE is Meredith Zona, PE registration number 30821.

6. **Public Comment:** Facility's local permit will expire soon (1-31-2008).

**Response:** The Town of Billerica WWTP issued a sewer connection permit to the Baker Commodities, Inc. facility on January 7, 2008. Therefore, Baker Commodities, Inc. has a current, valid permit from the Town of Billerica.

7. **Public Comment:** Facility's written approval was outdated (2003).

**Response:** Baker Commodities, Inc. has a valid sewer connection permit from the Billerica WWTP that was issued on January 7, 2008.

8. **Public Comment:** Requesting MassDEP to:

- a. Evaluate the ramifications of proposed power plant

**Response:** Since the power plant is a proposed separate project from a different entity (Billerica Energy Center), any activity related to that proposed power plant is not covered under this sewer connection permit issued to Baker Commodities, Inc. Consequently, evaluating the ramifications of the proposed power plant is beyond MassDEP's jurisdiction for the subject permit issued to Baker Commodities, Inc.

- b. Evaluate the ramifications of industrial wastewater discharge from proposed power plant

**Response:** Since the power plant is a proposed separate project from a different entity (Billerica Energy Center), any activity related to that proposed power plant is not covered under this sewer connection permit issued to Baker Commodities, Inc.

- c. Evaluate compliance of this permit with Town of Billerica's new Stormwater Management By-laws and any updates to applicable Massachusetts discharge limits and CWA regulations

**Response:** This permit is issued pursuant to Massachusetts General Laws Chapter 21, Section 43, and Code of Massachusetts Regulations 314 CMR 7.00 and 2.09. It is the Town of Billerica's responsibility to evaluate whether this facility complies with its new Stormwater Management By-laws. Regulations under 314 CMR 7.00 incorporate applicable Massachusetts industrial wastewater sewer discharge limits. The CWA is a federal act that is enforced by USEPA.

- d. Provide monitoring requirements and additional limitations and conditions to address potential use of this permit by the proposed power plant sharing this site.

**Response:** This permit requires the applicant to comply with monitoring requirements as specified in their local discharge permit and their industrial wastewater pretreatment system's Operation and Maintenance Manual. Any activity related to the proposed power plant is not covered under this sewer connection permit issued to Baker Commodities, Inc.

**MassDEP's PROPOSED ACTIONS:**

After a careful review of the public comments noted above, MassDEP has determined that the public comments do not provide a basis to include any specific special conditions in the subject permit. These comments also do not provide a basis to deny the permit. Therefore, in accordance with 314 CMR 2.08, the permit becomes effective thirty (30) days after the date of issuance.

February 27, 2008

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James E. Belsky  
Permit Chief  
Bureau of Waste Prevention

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Date